



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Public Hearing to Consider Adopting Resolution/Order to Vacate a Surplus Portion of Maxwell Street

MEETING DATE: November 3, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council, after reviewing the findings by the Planning Commission and the public comments from the subject public hearing, take the appropriate action on this abandonment.

BACKGROUND INFORMATION: At its meeting of September 15, 2004, the City Council adopted a Resolution of Intention to vacate a 524 square foot portion of Maxwell Street right-of-way, reserving, however, and excepting from the vacation, a permanent easement and right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in, over, and across said easement; and referred the matter to the Planning Commission.

This 524 square foot surplus is requested by the property owner of 1615 South Stockton Street for use as an extension of his adjacent business property.

As a condition of the abandonment, a public utility easement (PUE) will be retained over the surplus right-of-way to accommodate existing overhead pole lines.

The Planning Commission at its regular meeting held on September 2, 2004, has approved and does recommend to the City Council that the surplus 524 square foot portion of Maxwell Street be abandoned.

The Water/Wastewater and Street Divisions of the Public Works Department, City of Lodi Electric Utility Department, PG&E, and AT&T Broadband have approved the street abandonment without further comment. SBC Pacific Bell has requested a PUE be retained for existing overhead lines.

FUNDING: Not applicable.

Richard C. Prima, Jr.
Public Works Director

Prepared by Jeannie Matsumoto, Senior Engineering Technician
RCP/JHM/pmf

cc: D. Stephen Schwabauer, City Attorney
Rad Bartlam, Community Development Director
Frank Beeler, Assistant Water/Wastewater Superintendent

APPROVED:

Janet S. Keeter, Interim City Manager

PLEASE RECORD AND RETURN TO:
Susan J. Blackston, City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2004-237

A RESOLUTION OF THE LODI CITY
COUNCIL VACATING A PORTION OF
MAXWELL STREET

=====

WHEREAS, this City Council, acting in accordance with provisions of Part III of Division 9 of the Streets and Highways Code of this State, did on the 15th day of September, 2004, pass and adopt Resolution of Intention No. 2004-190 therein declaring the intention of said City Council to vacate a portion of Maxwell Street located at 1615 South Stockton Street, Lodi, California, County of San Joaquin, State of California, reserving, however, and excepting from the vacation, a permanent easement and right therein to construct, maintain, repair, and operate lines for public utilities, both publicly and privately owned, in, over, and across said street, and more particularly described as follows, to wit:

A portion of the Northwest quarter of Section 13, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, City of Lodi, San Joaquin County, California, being more particularly described as follows:

Commencing at the Northeast corner of Lot 4 as depicted on the Map "A.B.T. Industrial Park" as filed in Volume 22 of Maps and Plats, Page 67, San Joaquin County Records; thence South 87°42' West, 19.51 feet along the North line of said Lot 4 to a point on a tangent curve, said point being on the North line of Parcel "A" as depicted on that map filed in Book 7 of Parcel Maps, Page 161, San Joaquin County Records, said point also being the point of beginning; thence Southwesterly 37.82 feet through a curve concave to the Southeast, having a radius of 50.00 feet, to the beginning of a reverse curve concave to the Northwest, having a radius of 60.00 feet; thence Southwesterly 30.16 feet along said curve to a point on a non-tangent curve concave to the Southeast to which the radial bears South 88°36'57" East, 30.00 feet; thence Northeasterly 45.19 feet along said curve; thence North 87°41'60" East, 30.49 feet to the point of beginning.

WHEREAS, said notice of said intended vacation was regularly given by publication and by posting, both in time, form, and manner as required by law as is evidence by affidavits on file and on record in the office of the City Clerk of the City of Lodi; and

WHEREAS, in accordance with the provisions stated herein and also contained in the posted notices of the adoption of said resolution, notice was given that a public hearing would be held before the City Council in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, beginning at 7:00 p.m. on Wednesday, November 3, 2004, where and when any person interested in or objecting to said vacation could appear and be heard in relation thereto; and

WHEREAS, at that time and place, a public hearing was held and conducted and testimony received for and against the vacation contemplated; and

WHEREAS, at the November 3, 2004, City Council meeting, from the evidence submitted, the City Council of the City of Lodi did determine that said portion of Maxwell Street located at 1615 South Stockton Street, Lodi, California is unnecessary for present or future public use and did so find and declare; and

WHEREAS, the Planning Commission did find that the subject vacation was consistent with the General Plan of the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED that pursuant to the findings and under the authority of Section 8323 of the Streets and Highways Code of the State of California, that there is hereby abandoned a portion of Maxwell Street located at 1615 South Stockton Street, Lodi, California, as more particularly described above.

Reserving, however, and excepting from the vacation, a permanent easement and right therein to construct, maintain, repair, and operate lines for public utilities, both publicly and privately owned, in, over, and across said street.

Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the vacation.

Dated: November 3, 2004

I hereby certify that Resolution No. 2004-237 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 3, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, and Mayor Hansen
NOES: COUNCIL MEMBERS – None
ABSENT: COUNCIL MEMBERS – Beckman
ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk

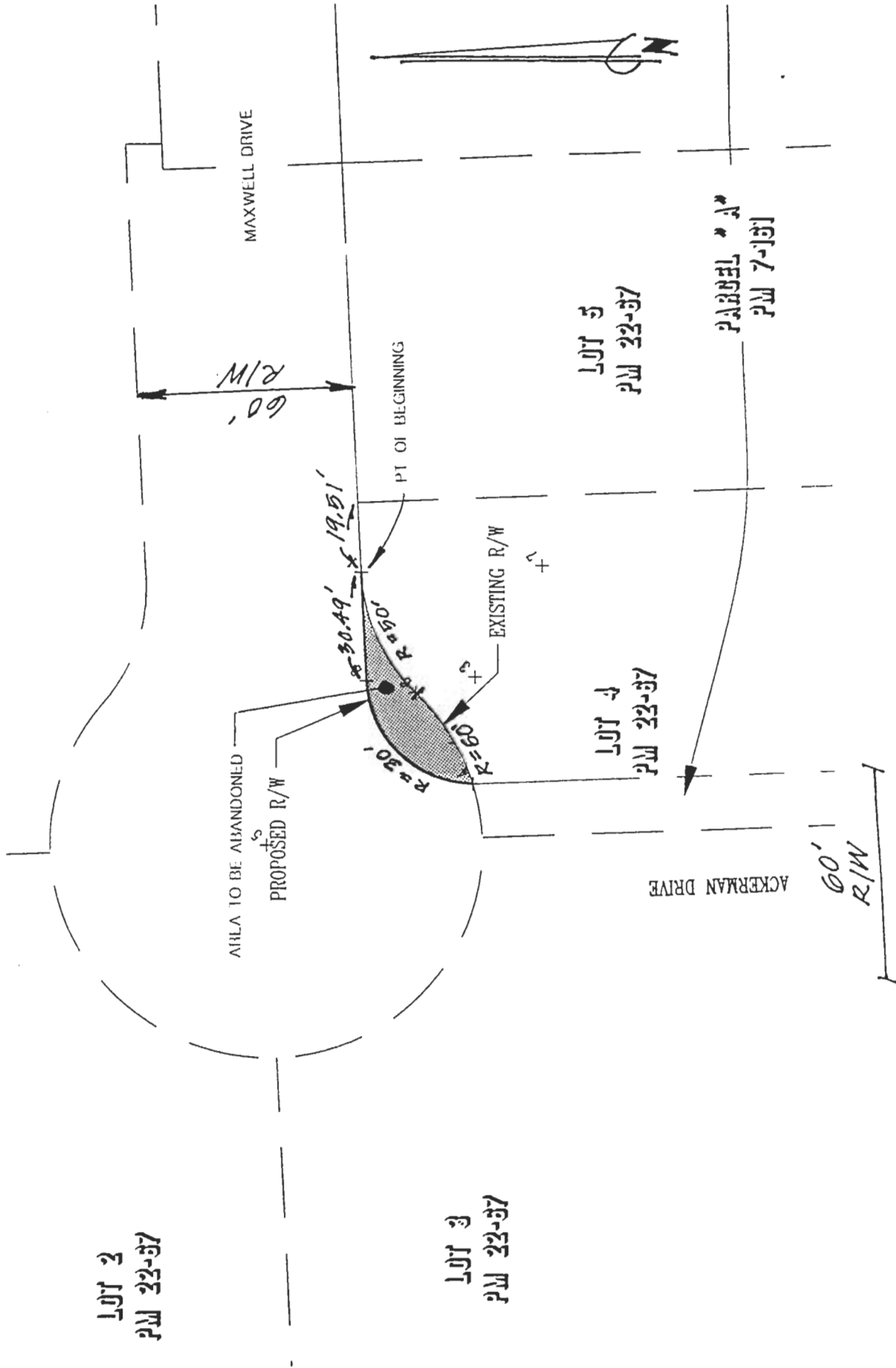
LOT 2
PM 22-57

LOT 3
PM 22-57

LOT 5
PM 22-57

LOT 4
PM 22-57

PAGE 7-131



CITY OF LODI ROADWAY ABANDONMENT

BYRON WEISZ PROPERTY

EXHIBIT

PREPARED IN THE OFFICE OF:

BAUMBACH & PIAZZA, INC.



CIVIL ENGINEERS
323 WEST ELM STREET
LODI, CALIFORNIA 95240

PROOF OF PUBLICATION

(2015.5 C.C.C.P.)

STATE OF CALIFORNIA

County of San Joaquin

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily except Sundays and holidays, in the City of Lodi, California, County of San Joaquin and which newspaper had been adjudicated a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953. Case Number 65990; that the notice of which the annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereto on the following dates to-wit:

September 24th, October 1st

all in the year 2004.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 1st day of October, 2004

Signature

This space is for the County Clerk's Filing Stamp

RECEIVED

OCT 07 2004

City Clerk
City of Lodi

Proof of Publication of

Notice of Public Hearing

City of Lodi, Resolution No. 2004-190

NOTICE OF PUBLIC HEARING
RESOLUTION NO. 2004-190

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO ABANDON A PORTION OF MAXWELL STREET, REFERRING THE MATTER TO THE PLANNING COMMISSION, AND FURTHER SETTING A PUBLIC HEARING

BE IT RESOLVED by the City Council of the City of Lodi as follows:

It is the intention of the City Council of the City of Lodi, acting in accordance with the provisions of Section 8300 et seq. of the Streets and Highways Code of the State of California, to vacate and abandon 537 feet of Maxwell Street located at 1615 South Stockton Street, Lodi, California, as recorded on May 19, 1977, in Book of Maps and Plats, Volume 22, Page 67, San Joaquin County Records, and as shown on Exhibit A attached hereto and thereby made a part hereof; and

Pursuant to the requirements of Government Code Section 27288.1, the name of the owner of the title or interest in 1615 South Stockton Street, as it appeared at the time and in the document creating the interest, right, or encumbrance, is as follows:

BRYON L. WEISZ, TRUSTEE, et al.

BE IT FURTHER RESOLVED that a public utility easement will be retained over the abandoned street easement, and the existing SBC Pacific Bell overhead lines will remain.

BE IT FURTHER RESOLVED that this matter shall be referred to the Planning Commission for approval; and

BE IT FURTHER RESOLVED that this City Council does hereby fix Wednesday, November 3, 2004, at the hour of 7:00 p.m., in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, as the time and place when and where all persons interested in or objecting to this proposed vacation may appear before this City Council and be heard; and

BE IT FURTHER RESOLVED that the Public Works Director shall cause to be posted notices of abandonment conspicuously along the line of the portion of street hereinabove described and proposed to be abandoned in the manner, form, and for the length of time set forth in Section 8323 of the Streets and Highways Code of the State of California; and

BE IT FURTHER RESOLVED that copies of this resolution shall be published for at least two successive weeks prior to November 3, 2004, in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, County of San Joaquin.

Dated: September 15, 2004

I hereby certify that Resolution No. 2004-190 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 15, 2004, by the following vote:

AYES:	COUNCIL MEMBERS - Beckman, Howard, Land, and Mayor Hansen
NOES:	COUNCIL MEMBERS - Hitchcock
ABSENT:	COUNCIL MEMBERS - None
ABSTAIN:	COUNCIL MEMBERS - None

SUSAN J. BLACKSTON
City Clerk

EXHIBIT A

Oct. 24, Oct. 1, 2004

7121



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: RESOLUTION OF INTENTION TO ABANDON PORTION OF MAXWELL STREET
(LOCATED AT 1615 SOUTH STOCKTON STREET)

LEGAL AD

PUBLISH DATE: FRIDAY, SEPTEMBER 24, 2004
FRIDAY, OCTOBER 1, 2004

TEAR SHEETS WANTED: Three (3) please

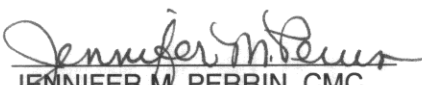
SEND AFFIDAVIT AND BILL TO: SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, SEPTEMBER 16, 2004

ORDERED BY:

KARI J. CHADWICK
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

PLEASE → **SEND PROOF OF ADVERTISEMENT. THANK YOU!!**

LNS Faxed to the Sentinel at 369-1084 at 2:40pm (time) on 9/16/04 (date) 3 (pages)
Phoned to confirm receipt of all pages at _____ (time) _____ Jac _____ Jen (initials)



DECLARATION OF POSTING

RESOLUTION OF INTENTION TO ABANDON PORTION OF MAXWELL STREET (LOCATED AT 1615 S. STOCKTON STREET)

On Thursday, September 16, 2004, in the City of Lodi, San Joaquin County, California, a Resolution of Intention to abandon portion of Maxwell Street (located at 1615 S. Stockton Street) (attached hereto, marked Exhibit "A"), was posted at the following four locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

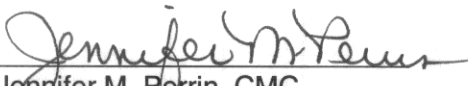
Executed on September 16, 2004, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON
CITY CLERK**

Jacqueline L. Taylor, CMC
Deputy City Clerk

Kari J. Chadwick
Administrative Clerk



Jennifer M. Perrin, CMC
Deputy City Clerk



DECLARATION OF MAILING

COVER LETTER AND RESOLUTION OF INTENTION TO ABANDON PORTION OF MAXWELL STREET (LOCATED AT 1615 S. STOCKTON STREET)

On September 16, 2004, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a cover letter and Resolution of Intention to abandon portion of Maxwell Street (located at 1615 S. Stockton Street), marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 16, 2004, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON
CITY CLERK, CITY OF LODI**

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK


JENNIFER M. PERRIN
DEPUTY CITY CLERK

KARI J. CHADWICK
ADMINISTRATIVE CLERK

CITY COUNCIL

LARRY D. HANSEN, Mayor
JOHN BECKMAN,
Mayor Pro Tempore
SUSAN HITCHCOCK
EMILY HOWARD
KEITH LAND

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807
cityclrk@lodi.gov

JANET S. KEETER
Interim City Manager
SUSAN J. BLACKSTON
City Clerk
D. STEPHEN SCHWABAUER
City Attorney

EXHIBIT A

September 16, 2004

TO: Interested Parties

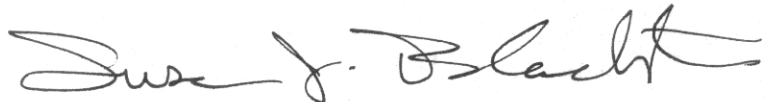
**VACATION: TO ABANDON 537 FEET OF MAXWELL STREET, LOCATED AT
1615 SOUTH STOCKTON STREET**

This is to inform you that the City Council, at its regular meeting on September 15, 2004, adopted a Resolution of Intention to abandon 537 feet of Maxwell Street, located at 1615 South Stockton Street, and set a public hearing for November 3, 2004.

Enclosed for your information is a certified copy of the resolution along with a map of the area to be abandoned.

In addition, this matter has been referred to the Planning Commission and will be heard at its regular meeting of September 22, 2004. Please contact the Community Development Department at (209) 333-6711 if you have any questions.

Should you have questions regarding the abandonment, please contact Public Works Director Richard Prima at (209) 333-6706.



Susan J. Blackston
City Clerk

SJB/jmp

Enclosure

cc: Public Works Director
Community Development Director

NOTICE OF PUBLIC HEARING

RESOLUTION NO. 2004-190

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS
INTENTION TO ABANDON A PORTION OF MAXWELL STREET,
REFERRING THE MATTER TO THE PLANNING COMMISSION,
AND FURTHER SETTING A PUBLIC HEARING

=====

BE IT RESOLVED by the City Council of the City of Lodi as follows:

It is the intention of the City Council of the City of Lodi, acting in accordance with the provisions of Section 8300 et seq. of the Streets and Highways Code of the State of California, to vacate and abandon 537 feet of Maxwell Street located at 1615 South Stockton Street, Lodi, California, as recorded on May 19, 1977, in Book of Maps and Plats, Volume 22, Page 67, San Joaquin County Records, and as shown on Exhibit A attached hereto and thereby made a part hereof; and

Pursuant to the requirements of Government Code Section 27288.1, the name of the owner of the title or interest in 1615 South Stockton Street, as it appeared at the time and in the document creating the interest, right, or encumbrance, is as follows:

BRYON L. WEISZ, TRUSTEE, et al.

BE IT FURTHER RESOLVED that a public utility easement will be retained over the abandoned street easement, and the existing SBC Pacific Bell overhead lines will remain.

BE IT FURTHER RESOLVED that this matter shall be referred to the Planning Commission for approval; and

BE IT FURTHER RESOLVED that this City Council does hereby fix **Wednesday, November 3, 2004, at the hour of 7:00 p.m., in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California**, as the time and place when and where all persons interested in or objecting to this proposed vacation may appear before this City Council and be heard; and

BE IT FURTHER RESOLVED that the Public Works Director shall cause to be posted notices of abandonment conspicuously along the line of the portion of street hereinabove described and proposed to be abandoned in the manner, form, and for the length of time set forth in Section 8323 of the Streets and Highways Code of the State of California; and

BE IT FURTHER RESOLVED that copies of this resolution shall be published for at least two successive weeks prior to November 3, 2004, in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, County of San Joaquin.

Dated: September 15, 2004

=====


I hereby certify that Resolution No. 2004-190 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 15, 2004, by the following vote:

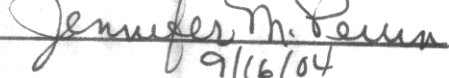
AYES: COUNCIL MEMBERS – Beckman, Howard, Land, and Mayor Hansen
NOES: COUNCIL MEMBERS – Hitchcock
ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

The foregoing document is certified to be a correct
copy of the original on file in the City Clerk's Office.

Jennifer M. Perrin
Deputy City Clerk, City of Lodi


SUSAN J. BLACKSTON
City Clerk

By: 
Dated: 9/16/04

2004-190

EXHIBIT A

LOT 3
PM 22-37

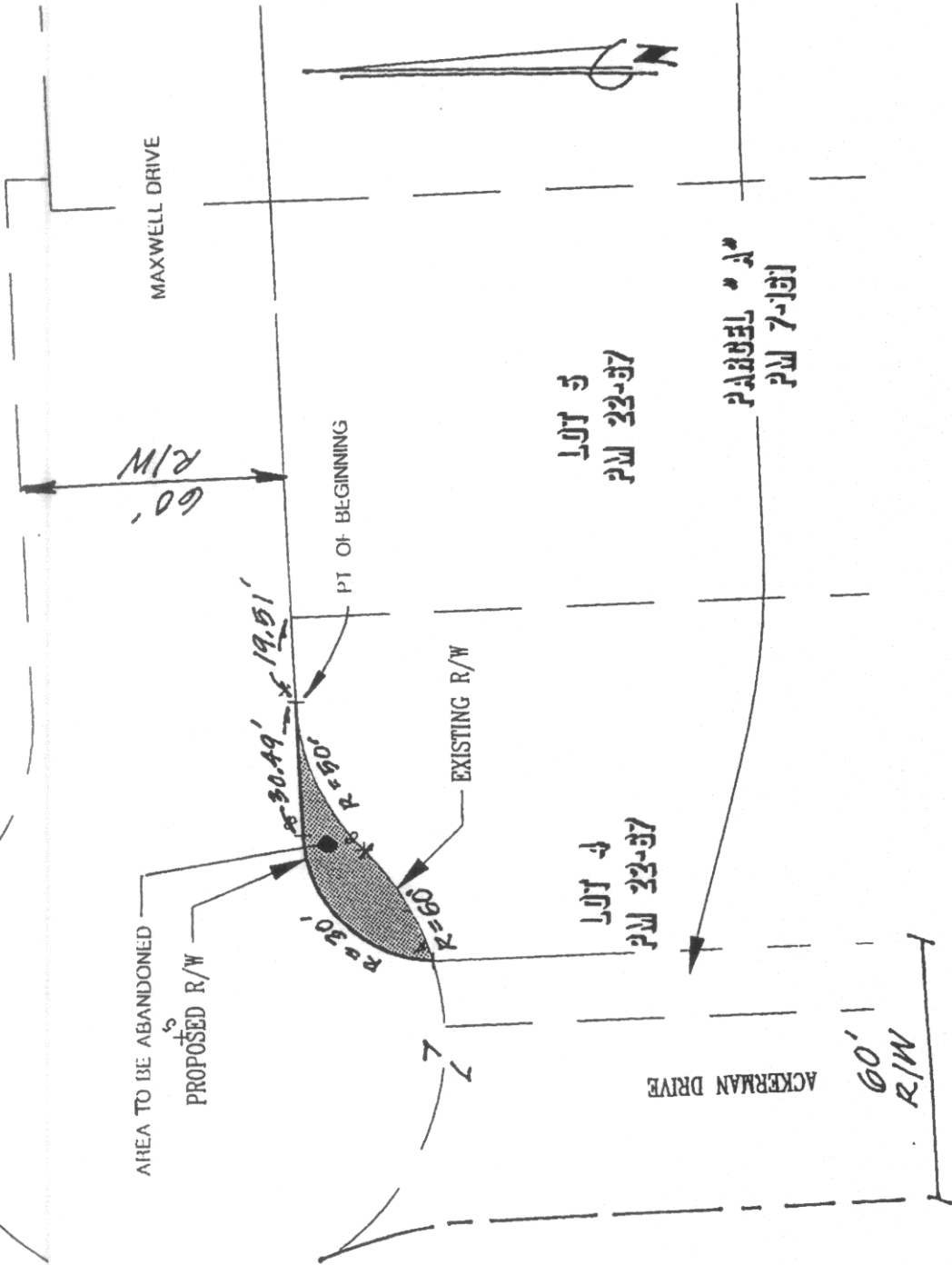
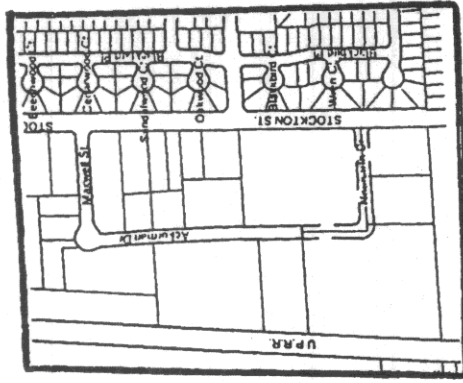
LOT 3
PM 22-37

LOT 3
PM 22-37

LOT 4
PM 22-37

PARCEL "A"
PM 7-131

VICINITY MAP



**VACATION / ABANDONMENT
MAILING LIST**

RESOLUTION OF INTENTION (Setting Public Hearing)

Certified copy w/cover letter to:

PG&E
12 W. Pine Street
Lodi, CA 95240

AT&T
6343 Tam O'Shanter Drive
Stockton, CA 95210

Pacific Bell
44 W. Yokuts Avenue
Stockton, CA 95207

Central Valley Waste Services
P.O. Box 241001
Lodi, CA 95241-9501

Chief Deputy County Surveyor
Attn: Joe Bussalacci
1810 E. Hazelton Avenue
Stockton, CA 95205

Certified copies to:

Jeannie Matsumoto, Public Works

Wes Fujitani, Public Works

Community Development Department

Police Department

Fire Department

RESOLUTION OF VACATION (After Public Hearing)

Certified copy w/cover letter:

PG&E

AT&T

Pacific Bell

Central Valley Waste Services

Chief Deputy County Surveyor

Jeannie Matsumoto, Public Works

Wes Fujitani, Public Works

Community Development Department

Police Department

Fire Department

WEISZ WAYNE & MICHELLE
2700 WATT AVE RM 2305
SACRAMENTO CA 95821

SCHIMKE ROBERT C TR ETAL
1900 W LODI AVE
LODI CA 95242

LEEDY FOSTER
PO BOX 1271
LODI CA 95241

GAMBLIN K DOUGLAS & R V TR
3444 E JAHANT RD
ACAMPO CA 95220

WELK PAUL JAMES & SANDRA K
15880 N CURRY AVE
LODI CA 95240

MARKLE RONNIE G & PATRICIA
513 CONNIE ST
LODI CA 95240

WEISZ BYRON L TR ETAL
1615 S STOCKTON ST
LODI CA 95240

ROUPPET GARY E
1581 S STOCKTON ST
LODI CA 95240

WEISZ WAYNE N TR ETAL
1615 S STOCKTON ST
LODI CA 95240

VALENSIN RANDY G & LYNNE
1987 FM 113 NORTH
WEATHERFORD TX 76088

TONKS JEFFREY M & CATHY M
4908 SIR EDWARDS CT
FAIR OAKS CA 95628


STEPHENS ANDREW & MARGARET
2328 WINTERGREEN CT
LODI CA 95242

KB HOME NORTH BAY INC
611 ORANGE DR
VACAVILLE CA 95687



MEMORANDUM
Office of the Lodi City Clerk

TO: Public Works Director

FROM: Susan J. Blackston 
City Clerk

DATE: September 16, 2004

SUBJECT: RESOLUTION OF INTENTION TO ABANDON 537 FEET OF MAXWELL STREET, LOCATED AT 1615 SOUTH STOCKTON STREET, LODI

Please be advised that the City Council, at its meeting of September 15, 2004, adopted the attached resolution declaring its intention to abandon 537 feet of Maxwell Street, located at 1615 South Stockton Street, and set the matter for public hearing on November 3, 2004.

Pursuant to law, the Public Works Department is required to post at least three copies of the subject resolution and map in the area to be abandoned at least 15 days prior to the Public Hearing. Upon completion of the posting, please forward a copy of the Affidavit of Posting to me for our records.

Please contact me should you have any questions.


SJB/JMP

Attachment



MEMORANDUM
Office of the Lodi City Clerk

TO: Community Development Director

FROM: Susan J. Blackston 
City Clerk

DATE: September 16, 2004

SUBJECT: A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS
INTENTION TO ABANDON 537 FEET OF MAXWELL STREET,
LOCATED AT 1615 SOUTH STOCKTON STREET

Please be advised that the Lodi City Council, at its regular meeting of September 15, 2004, adopted a resolution declaring its intention to abandon 537 feet of Maxwell Street, located at 1615 South Stockton Street (attached).

Further, the City Council referred the matter to the Planning Commission for its recommendation and set the matter for a Public Hearing before the Lodi City Council on November 3, 2004.

SJB/JMP

Attachment

cc w/o enc: Public Works Department



DECLARATION OF MAILING

LETTER AND RESOLUTION VACATING PORTION OF MAXWELL STREET

On November 5, 2004, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a letter and resolution vacating portion of Maxwell Street, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

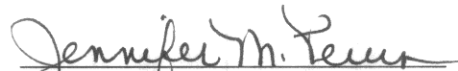
Executed on November 5, 2004, at Lodi, California.

ORDERED BY:

SUSAN BLACKSTON
CITY CLERK, CITY OF LODI

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK


JENNIFER M. PERRIN
DEPUTY CITY CLERK

KARI J. CHADWICK
ADMINISTRATIVE CLERK

CITY COUNCIL

LARRY D. HANSEN, Mayor
JOHN BECKMAN,
Mayor Pro Tempore
SUSAN HITCHCOCK
EMILY HOWARD
KEITH LAND

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807
cityclrk@lodi.gov

JANET S. KEETER
Interim City Manager
SUSAN J. BLACKSTON
City Clerk
D. STEPHEN SCHWABAUER
City Attorney

EXHIBIT A

November 4, 2004

TO: Interested Parties

**VACATION: TO ABANDON 537 FEET OF MAXWELL STREET, LOCATED AT
1615 SOUTH STOCKTON STREET**

This is to inform you that the City Council, at its regular meeting on November 3, 2004, considered the above matter and declared the area vacated and abandoned.

Enclosed for your information is a certified copy of the resolution along with a map of the abandoned area.

Should you have questions regarding the abandonment, please contact Public Works Director Richard Prima at (209) 333-6706.


Susan J. Blackston
City Clerk

SJB/jmp

Enclosure

cc: Public Works Director

PLEASE RECORD AND RETURN TO:
Susan J. Blackston, City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2004-237

A RESOLUTION OF THE LODI CITY
COUNCIL VACATING A PORTION OF
MAXWELL STREET

=====

WHEREAS, this City Council, acting in accordance with provisions of Part III of Division 9 of the Streets and Highways Code of this State, did on the 15th day of September, 2004, pass and adopt Resolution of Intention No. 2004-190 therein declaring the intention of said City Council to vacate a portion of Maxwell Street located at 1615 South Stockton Street, Lodi, California, County of San Joaquin, State of California, reserving, however, and excepting from the vacation, a permanent easement and right therein to construct, maintain, repair, and operate lines for public utilities, both publicly and privately owned, in, over, and across said street, and more particularly described as follows, to wit:

A portion of the Northwest quarter of Section 13, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, City of Lodi, San Joaquin County, California, being more particularly described as follows:

Commencing at the Northeast corner of Lot 4 as depicted on the Map "A.B.T. Industrial Park" as filed in Volume 22 of Maps and Plats, Page 67, San Joaquin County Records; thence South 87°42' West, 19.51 feet along the North line of said Lot 4 to a point on a tangent curve, said point being on the North line of Parcel "A" as depicted on that map filed in Book 7 of Parcel Maps, Page 161, San Joaquin County Records, said point also being the point of beginning; thence Southwesterly 37.82 feet through a curve concave to the Southeast, having a radius of 50.00 feet, to the beginning of a reverse curve concave to the Northwest, having a radius of 60.00 feet; thence Southwesterly 30.16 feet along said curve to a point on a non-tangent curve concave to the Southeast to which the radial bears South 88°36'57" East, 30.00 feet; thence Northeasterly 45.19 feet along said curve; thence North 87°41'60" East, 30.49 feet to the point of beginning.

WHEREAS, said notice of said intended vacation was regularly given by publication and by posting, both in time, form, and manner as required by law as is evidence by affidavits on file and on record in the office of the City Clerk of the City of Lodi; and

WHEREAS, in accordance with the provisions stated herein and also contained in the posted notices of the adoption of said resolution, notice was given that a public hearing would be held before the City Council in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, beginning at 7:00 p.m. on Wednesday, November 3, 2004, where and when any person interested in or objecting to said vacation could appear and be heard in relation thereto; and

•

WHEREAS, at that time and place, a public hearing was held and conducted and testimony received for and against the vacation contemplated; and

WHEREAS, at the November 3, 2004, City Council meeting, from the evidence submitted, the City Council of the City of Lodi did determine that said portion of Maxwell Street located at 1615 South Stockton Street, Lodi, California is unnecessary for present or future public use and did so find and declare; and

WHEREAS, the Planning Commission did find that the subject vacation was consistent with the General Plan of the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED that pursuant to the findings and under the authority of Section 8323 of the Streets and Highways Code of the State of California, that there is hereby abandoned a portion of Maxwell Street located at 1615 South Stockton Street, Lodi, California, as more particularly described above.

Reserving, however, and excepting from the vacation, a permanent easement and right therein to construct, maintain, repair, and operate lines for public utilities, both publicly and privately owned, in, over, and across said street.

Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the vacation.

Dated: November 3, 2004

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I hereby certify that Resolution No. 2004-237 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 3, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Beckman

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk

LOT 2
PM 22-37

LOT 3
PM 22-37

LOT 5
PM 22-37

LOT 4
PM 22-37

PANEL "A"
PM 7-151

MAXWELL DRIVE

ACKERMAN DRIVE

60' R/W

60' R/W

AREA TO BE ABANDONED

PROPOSED R/W

19.51'

30.49'

R=30'

R=50'

R=60'

PT OF BEGINNING

EXISTING R/W

CITY OF LODI ROADWAY ABANDONMENT

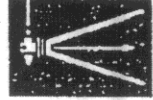
BYRON WEISZ PROPERTY

EXHIBIT

PREPARED IN THE OFFICE OF:

BAUMBACH & PIAZZA, INC.

CIVIL ENGINEERS
323 WEST ELM STREET
LODI, CALIFORNIA 95240



**VACATION / ABANDONMENT
MAILING LIST**

EXHIBIT B

RESOLUTION OF INTENTION (Setting Public Hearing)

Certified copy w/cover letter to:

PG&E
12 W. Pine Street
Lodi, CA 95240

AT&T
6343 Tam O'Shanter Drive
Stockton, CA 95210

Pacific Bell
44 W. Yokuts Avenue
Stockton, CA 95207

Central Valley Waste Services
P.O. Box 241001
Lodi, CA 95241-9501

Chief Deputy County Surveyor
Attn: Joe Bussalacci
1810 E. Hazelton Avenue
Stockton, CA 95205

Certified copies to:

Jeannie Matsumoto, Public Works

Wes Fujitani, Public Works

Community Development Department

Police Department

Fire Department

RESOLUTION OF VACATION (After Public Hearing)

Certified copy w/cover letter:

PG&E

AT&T

Pacific Bell

Central Valley Waste Services

Chief Deputy County Surveyor

Jeannie Matsumoto, Public Works

Wes Fujitani, Public Works

Community Development Department

Police Department

Fire Department

WEISZ WAYNE & MICHELLE
2700 WATT AVE RM 2305
SACRAMENTO CA 95821

SCHIMKE ROBERT C TR ETAL
1900 W LODI AVE
LODI CA 95242

LEEDY FOSTER
PO BOX 1271
LODI CA 95241

GAMBLIN K DOUGLAS & R V TR
3444 E JAHANT RD
ACAMPO CA 95220

WELK PAUL JAMES & SANDRA K
15880 N CURRY AVE
LODI CA 95240

MARKLE RONNIE G & PATRICIA
513 CONNIE ST
LODI CA 95240

WEISZ BYRON L TR ETAL
1615 S STOCKTON ST
LODI CA 95240

ROUPPET GARY E
1581 S STOCKTON ST
LODI CA 95240

WEISZ WAYNE N TR ETAL
1615 S STOCKTON ST
LODI CA 95240

VALENSIN RANDY G & LYNNE
1987 FM 113 NORTH
WEATHERFORD TX 76088

TONKS JEFFREY M & CATHY M
4908 SIR EDWARDS CT
FAIR OAKS CA 95628

STEPHENS ANDREW & MARGARET
2328 WINTERGREEN CT
LODI CA 95242

KB HOME NORTH BAY INC
611 ORANGE DR
VACAVILLE CA 95687